

Exhibit D

From: Turner, Michael
Sent: Thursday, September 12, 2024 2:06 PM
To: Matthew Dowd
Cc: Chen, Robert; Kendall, Sandra; Elliot Gee; Patterson, Lauren
Subject: RE: FTC v. Syngenta, 22-cv-00828 (M.D.N.C.): Subpoena to Atticus, LLC

Matt,

Plaintiffs need to understand Atticus' protocol for collecting and producing documents in order to assess whether we will receive the information reasonably needed for this litigation. On June 4, during our last (and only substantive) discussion of the subpoena, we went through every request to ensure mutual understanding of what Plaintiffs requested of Atticus, and the potential issues for Atticus to respond. For nearly every request, you said that you would confer with your client to determine what responsive information it possessed and any burden associated with collecting and producing it. You also said that Atticus intended to cooperate with Plaintiffs and reasonably respond to the subpoena.

However, since that conversation, you have not been responsive. Plaintiffs do not know what information Atticus possesses for most requests, or whether Atticus would shoulder any significant burden in responding to a given request or the subpoena as whole. Despite sending an organization chart (the sole document produced by Atticus thus far), Atticus has not discussed documents custodians with any specificity with Plaintiffs. Plaintiffs do not know what proposed search terms or other review process that Atticus is using to identify responsive documents for production, and Atticus has not provided specifics about what data it is intending to produce (an issue of high importance to Plaintiffs). These are basic issues for any subpoena response and which you had formerly agreed to discuss.

It would be easiest to address these issues in a conversation, but you have been unwilling to meet with me, despite my reasonable requests. Accordingly, by September 18, 2024, please provide a detailed explanation of Atticus' protocol for responding to the subpoena, as well as the categories of documents and data that it has collected and intends to produce, and a timeline for complete production in response to the subpoena. Given Atticus' refusal to engage with Plaintiffs regarding the subpoena since June 4, and without sufficient information about how it intends to respond going forward, Plaintiffs may need to take action to ensure reasonable compliance.

Sincerely,

Mike Turner
Federal Trade Commission
202.326.3649

From: Matthew Dowd <mdowd@dowdscheffel.com>
Sent: Tuesday, September 10, 2024 11:22 PM
To: Turner, Michael <mturner@ftc.gov>
Cc: Chen, Robert <rchen@ftc.gov>; Kendall, Sandra <skendall@ftc.gov>; Elliot Gee <ege@dwdscheffel.com>; Patterson, Lauren <lpatterson@ftc.gov>
Subject: Re: FTC v. Syngenta, 22-cv-00828 (M.D.N.C.): Subpoena to Atticus, LLC

Mike,

We intend to start producing additional documents by the end of the week.

Best,
Matt

From: "Turner, Michael" <mturner@ftc.gov>
Date: Tuesday, September 3, 2024 at 4:24 PM
To: Matthew Dowd <mdowd@dowdscheffel.com>
Cc: "Chen, Robert" <rchen@ftc.gov>, "Kendall, Sandra" <skendall@ftc.gov>, Elliot Gee <ege@ dowdscheffel.com>, "Patterson, Lauren" <lpatterson@ftc.gov>
Subject: RE: FTC v. Syngenta, 22-cv-00828 (M.D.N.C.): Subpoena to Atticus, LLC

Matt,

We're generally available Thursday morning and Friday before 11am and after 3pm.

Thanks,

Mike Turner
Federal Trade Commission
202.326.3649

From: Matthew Dowd <mdowd@dowdscheffel.com>
Sent: Tuesday, September 3, 2024 7:40 AM
To: Turner, Michael <mturner@ftc.gov>
Cc: Chen, Robert <rchen@ftc.gov>; Kendall, Sandra <skendall@ftc.gov>; Elliot Gee <ege@ dowdscheffel.com>; Patterson, Lauren <lpatterson@ftc.gov>
Subject: Re: FTC v. Syngenta, 22-cv-00828 (M.D.N.C.): Subpoena to Atticus, LLC

Mike,

Thanks. I'm planning on speaking with the client this week, now that most folks are back from summer breaks and schedules. Will touch base. Probably a time later this week will work.

Best,
Matt

From: "Turner, Michael" <mturner@ftc.gov>
Date: Thursday, August 29, 2024 at 12:54 PM
To: Matthew Dowd <mdowd@dowdscheffel.com>
Cc: "Chen, Robert" <rchen@ftc.gov>, "Kendall, Sandra" <skendall@ftc.gov>, Elliot Gee <ege@ dowdscheffel.com>, "Patterson, Lauren" <lpatterson@ftc.gov>
Subject: RE: FTC v. Syngenta, 22-cv-00828 (M.D.N.C.): Subpoena to Atticus, LLC

Matt,

You have said that Atticus intends to comply with the subpoena (subject to its responses and objections), but it's been four months since issuance and Atticus has only produced an organizational chart. Plaintiffs

do not have any information about Atticus' progress in, or process for, responding to the subpoena, and you do not respond to my reasonable requests to discuss Atticus' response.

Plaintiffs have been patient given your stated challenges, but we cannot remain patient with this lack of engagement. Would you respond with some times to speak?

Thanks,

Mike Turner
Federal Trade Commission
202.326.3649

From: Turner, Michael
Sent: Wednesday, August 21, 2024 8:30 AM
To: Matthew Dowd <mdowd@dowdscheffel.com>
Cc: Chen, Robert <rchen@ftc.gov>; Kendall, Sandra <skendall@ftc.gov>; Elliot Gee <ege@downscheffel.com>; Patterson, Lauren <lpatterson@ftc.gov>
Subject: RE: FTC v. Syngenta, 22-cv-00828 (M.D.N.C.): Subpoena to Atticus, LLC

Hi Matt,

Any response to my request for a conversation about the subpoena?

Thanks,

Mike Turner
Federal Trade Commission
202.326.3649

From: Turner, Michael <mturner@ftc.gov>
Sent: Friday, August 16, 2024 9:34 AM
To: Matthew Dowd <mdowd@dowdscheffel.com>
Cc: Chen, Robert <rchen@ftc.gov>; Kendall, Sandra <skendall@ftc.gov>; Elliot Gee <ege@downscheffel.com>; Patterson, Lauren <lpatterson@ftc.gov>
Subject: Re: FTC v. Syngenta, 22-cv-00828 (M.D.N.C.): Subpoena to Atticus, LLC

Matt,

This is received. I agree that Mr. Canady will likely have the most relevant documents but I have some questions about a few other employees. Would you let me know when you're free next week to discuss?

Thanks,
Mike

From: Matthew Dowd <mdowd@dowdscheffel.com>
Sent: Wednesday, August 14, 2024 9:19:12 PM
To: Turner, Michael <mturner@ftc.gov>
Cc: Chen, Robert <rchen@ftc.gov>; Kendall, Sandra <skendall@ftc.gov>; Elliot Gee <ege@downscheffel.com>; Patterson, Lauren <lpatterson@ftc.gov>
Subject: Re: FTC v. Syngenta, 22-cv-00828 (M.D.N.C.): Subpoena to Atticus, LLC

Mike,

Thank you again for your patience, and I appreciate your understanding with Atticus and its third-party relationship to the litigation. And it is a tough time of the year in terms of schedules.

That being said, I'm producing that attached Atticus organizational chart. This is being produced as HIGHLY CONFIDENTIAL. We will reproduce it with a Bates number, but we wanted to get this to you, as discussed.

Based on our discussion, we understood that the FTC's interest in the organizational chart is identifying individuals who would be most about the subject matter of the subpoena. We do think that Mr. Canady will be most informed, but we are willing to discuss this further.

Best,
Matt

From: "Turner, Michael" <mturner@ftc.gov>
Date: Friday, August 9, 2024 at 5:28 PM
To: Matthew Dowd <mdowd@dowdscheffel.com>
Cc: "Chen, Robert" <rchen@ftc.gov>, "Kendall, Sandra" <skendall@ftc.gov>, Elliot Gee <ege@mdowdscheffel.com>, "Patterson, Lauren" <lpatterson@ftc.gov>
Subject: RE: FTC v. Syngenta, 22-cv-00828 (M.D.N.C.): Subpoena to Atticus, LLC

Matt,

Do you have an update on this?

Thanks,

Mike Turner
Federal Trade Commission
202.326.3649

From: Turner, Michael
Sent: Tuesday, August 6, 2024 10:05 AM
To: Matthew Dowd <mdowd@dowdscheffel.com>
Cc: Chen, Robert <rchen@ftc.gov>; Kendall, Sandra <skendall@ftc.gov>; Elliot Gee <ege@mdowdscheffel.com>; Patterson, Lauren <lpatterson@ftc.gov>
Subject: RE: FTC v. Syngenta, 22-cv-00828 (M.D.N.C.): Subpoena to Atticus, LLC

Matt,

Thank you for your response and that Atticus intends to produce some documents this week. When do you expect to be able to discuss a status update?

Best,

Mike Turner
Federal Trade Commission
202.326.3649

From: Matthew Dowd <mdowd@dowdscheffel.com>
Sent: Monday, August 5, 2024 6:25 AM
To: Turner, Michael <mturner@ftc.gov>
Cc: Chen, Robert <rchen@ftc.gov>; Kendall, Sandra <skendall@ftc.gov>; Elliot Gee <ege@ dowdscheffel.com>
Subject: Re: FTC v. Syngenta, 22-cv-00828 (M.D.N.C.): Subpoena to Atticus, LLC

Mike,

I appreciate the patience, and my apologies for our delay. We got off track due to some other pressing deadlines and due to summer schedules.

We intend to be in a position to produce some documents this week. Let me check on the status and get back to you.

Much appreciated.

Best,
Matt

From: "Turner, Michael" <mturner@ftc.gov>
Date: Tuesday, July 30, 2024 at 9:59 AM
To: Matthew Dowd <mdowd@dowdscheffel.com>
Cc: "Chen, Robert" <rchen@ftc.gov>, "Kendall, Sandra" <skendall@ftc.gov>, Elliot Gee <ege@ dowdscheffel.com>
Subject: RE: FTC v. Syngenta, 22-cv-00828 (M.D.N.C.): Subpoena to Atticus, LLC

Matt,

It's been a month since you've last communicated regarding your client's response to the subpoena. I have tried to reach you by telephone, but calls go to your voicemail inbox, which is full. When we last spoke on June 4, you said that Atticus intended to reasonably respond to the subpoena (subject to its responses and objections), that Atticus would produce certain information (such as an organization chart), and that you would check with your client regarding a number of issues related to the subpoena.

I trust that you still represent Atticus and that it still intends to respond to the subpoena, but we need to confer in the near future. Atticus has not produced any documents and Plaintiffs do not have any information regarding progress toward that end. I request that you respond by August 2 with suggested dates and times for our next conversation.

Best,

Mike Turner
Federal Trade Commission
202.326.3649

From: Turner, Michael
Sent: Monday, July 15, 2024 3:10 PM
To: Matthew Dowd <mdowd@dowdscheffel.com>
Cc: Chen, Robert <rchen@ftc.gov>; Kendall, Sandra <skendall@ftc.gov>; Elliot Gee <ege@ dowdscheffel.com>
Subject: RE: FTC v. Syngenta, 22-cv-00828 (M.D.N.C.): Subpoena to Atticus, LLC

Hi Matt,

Would you suggest some dates and times for another call? It has been nearly six weeks since our last call, and we need to discuss the progress that Atticus has made in responding to Plaintiffs' subpoena.

Best,

Mike Turner
Federal Trade Commission
202.326.3649

From: Turner, Michael
Sent: Monday, July 1, 2024 9:28 AM
To: Matthew Dowd <mdowd@dowdscheffel.com>
Cc: Chen, Robert <rchen@ftc.gov>; Kendall, Sandra <skendall@ftc.gov>; Elliot Gee <ege@dwdscheffel.com>
Subject: RE: FTC v. Syngenta, 22-cv-00828 (M.D.N.C.): Subpoena to Atticus, LLC

Matt,

Let's get a call on the calendar. We're available Wednesday (July 10) at 10am, Thursday (July 11) at 11am, and Friday (July 12) at 2pm. Please feel free to suggest another time if none of these work for you.

Best,

Mike Turner
Federal Trade Commission
202.326.3649

From: Matthew Dowd <mdowd@dowdscheffel.com>
Sent: Monday, July 1, 2024 9:20 AM
To: Turner, Michael <mturner@ftc.gov>
Cc: Chen, Robert <rchen@ftc.gov>; Kendall, Sandra <skendall@ftc.gov>; Elliot Gee <ege@dwdscheffel.com>
Subject: Re: FTC v. Syngenta, 22-cv-00828 (M.D.N.C.): Subpoena to Atticus, LLC

Mike,

Our apologies on our delay. We had to turn to other matters. Let us refocus our efforts so that we can provide some documents before our next call.

Best,
Matt

From: "Turner, Michael" <mturner@ftc.gov>
Date: Monday, June 24, 2024 at 8:17 AM
To: Matthew Dowd <mdowd@dowdscheffel.com>
Cc: "Chen, Robert" <rchen@ftc.gov>, "Kendall, Sandra" <skendall@ftc.gov>, Elliot Gee <ege@dwdscheffel.com>
Subject: RE: FTC v. Syngenta, 22-cv-00828 (M.D.N.C.): Subpoena to Atticus, LLC

Matt,

It looks like we didn't connect for a meeting last week. Could you send me some times you are available on June 26-28?

Best,

Mike Turner
Federal Trade Commission
202.326.3649

From: Turner, Michael
Sent: Wednesday, June 5, 2024 5:14 PM
To: Matthew Dowd <mdowd@dowdscheffel.com>
Cc: Chen, Robert <rchen@ftc.gov>; Kendall, Sandra <skendall@ftc.gov>; Elliot Gee <ege@dwdscheffel.com>
Subject: RE: FTC v. Syngenta, 22-cv-00828 (M.D.N.C.): Subpoena to Atticus, LLC

Matt,

I have attached a letter about our call yesterday.

When you have a moment, let me know when you are available on June 17 or 21.

Best,

Mike Turner
Federal Trade Commission
202.326.3649

From: Turner, Michael
Sent: Tuesday, June 4, 2024 5:13 PM
To: Matthew Dowd <mdowd@dowdscheffel.com>
Cc: Chen, Robert <rchen@ftc.gov>; Kendall, Sandra <skendall@ftc.gov>; Elliot Gee <ege@dwdscheffel.com>
Subject: RE: FTC v. Syngenta, 22-cv-00828 (M.D.N.C.): Subpoena to Atticus, LLC

Matt, good speaking with you a few minutes ago. We agreed to speak again on June 19, but as it turns out it is a federal holiday. Are you all available on June 17 or June 21? If so, would you propose a time? Thank you.

Mike Turner
Federal Trade Commission
202.326.3649

From: Matthew Dowd <mdowd@dowdscheffel.com>
Sent: Wednesday, May 29, 2024 10:23 PM
To: Turner, Michael <mturner@ftc.gov>
Cc: Chen, Robert <rchen@ftc.gov>; Kendall, Sandra <skendall@ftc.gov>; Elliot Gee <ege@dwdscheffel.com>
Subject: Re: FTC v. Syngenta, 22-cv-00828 (M.D.N.C.): Subpoena to Atticus, LLC

Mike,

Thank you for the confirmation email. If you wouldn't mind, could we reschedule our call until early next week? I've had a few pressing items arise this week, including a possible hearing in a New York case on Monday.

Best,
Matt

From: "Turner, Michael" <mturner@ftc.gov>
Date: Wednesday, May 29, 2024 at 8:26 AM
To: Matthew Dowd <mdowd@dowdscheffel.com>
Cc: "Chen, Robert" <rchen@ftc.gov>, "Kendall, Sandra" <skendall@ftc.gov>, Elliot Gee <ege@mdowdscheffel.com>
Subject: RE: FTC v. Syngenta, 22-cv-00828 (M.D.N.C.): Subpoena to Atticus, LLC

Matt,

I can confirm receipt.

Best,

Mike Turner
Federal Trade Commission
202.326.3649

From: Matthew Dowd <mdowd@dowdscheffel.com>
Sent: Tuesday, May 28, 2024 11:49 PM
To: Turner, Michael <mturner@ftc.gov>
Cc: Chen, Robert <rchen@ftc.gov>; Kendall, Sandra <skendall@ftc.gov>; Elliot Gee <ege@mdowdscheffel.com>
Subject: Re: FTC v. Syngenta, 22-cv-00828 (M.D.N.C.): Subpoena to Atticus, LLC

Mike,

Please find attached Atticus's Objections and Responses to the subpoena.

Best,
Matt

Matthew J. Dowd
Dowd Scheffel PLLC
1717 Pennsylvania Avenue, NW
Suite 1025
Washington, D.C. 20006
Direct: (202) 573-3853
Office: (202) 559-9175
mdowd@dowdscheffel.com
<http://www.dowdscheffel.com>
<http://www.linkedin.com/in/matthewdowd>

From: "Turner, Michael" <mturner@ftc.gov>
Date: Monday, May 13, 2024 at 9:04 AM
To: Matthew Dowd <mdowd@dowdscheffel.com>
Cc: "Chen, Robert" <rchen@ftc.gov>, "Kendall, Sandra" <skendall@ftc.gov>
Subject: RE: FTC v. Syngenta, 22-cv-00828 (M.D.N.C.): Subpoena to Atticus, LLC

Thanks Matt,

I sent you a scheduler for that time in date. With the expectation that we'll meet on May 30, we extend by 14-days Atticus' deadline to submit objections (May 28) and the SDT return date (June 12).

Mike Turner
Federal Trade Commission
202.326.3649

From: Matthew Dowd <mdowd@dowdscheffel.com>
Sent: Monday, May 13, 2024 8:43 AM
To: Turner, Michael <mturner@ftc.gov>
Cc: Chen, Robert <rchen@ftc.gov>; Kendall, Sandra <skendall@ftc.gov>
Subject: Re: FTC v. Syngenta, 22-cv-00828 (M.D.N.C.): Subpoena to Atticus, LLC

Mike,

Yes, let's do that. Thank you.

Matt

From: "Turner, Michael" <mturner@ftc.gov>
Date: Monday, May 13, 2024 at 7:52 AM
To: Matthew Dowd <mdowd@dowdscheffel.com>
Cc: "Chen, Robert" <rchen@ftc.gov>, "Kendall, Sandra" <skendall@ftc.gov>
Subject: RE: FTC v. Syngenta, 22-cv-00828 (M.D.N.C.): Subpoena to Atticus, LLC

Thanks Matt, how's 11am on May 30?

Mike Turner
Federal Trade Commission
202.326.3649

From: Matthew Dowd <mdowd@dowdscheffel.com>
Sent: Sunday, May 12, 2024 10:35 PM
To: Turner, Michael <mturner@ftc.gov>
Cc: Chen, Robert <rchen@ftc.gov>; Kendall, Sandra <skendall@ftc.gov>
Subject: Re: FTC v. Syngenta, 22-cv-00828 (M.D.N.C.): Subpoena to Atticus, LLC

Mike,

Thank you for that. May 30 and 31 are relatively open, so we should be able to accommodate any time that works on your end.

Matt

From: "Turner, Michael" <mturner@ftc.gov>
Date: Friday, May 10, 2024 at 3:34 PM
To: Matthew Dowd <mdowd@dowdscheffel.com>
Cc: "Chen, Robert" <rchen@ftc.gov>, "Kendall, Sandra" <skendall@ftc.gov>
Subject: RE: FTC v. Syngenta, 22-cv-00828 (M.D.N.C.): Subpoena to Atticus, LLC

Matt,

We should be able to do that, but it would be helpful to schedule a meet and confer for soon after—could you suggest a few times between May 29-31?

Thanks,

Mike Turner
Federal Trade Commission
202.326.3649

From: Matthew Dowd <mdowd@dowdscheffel.com>
Sent: Friday, May 10, 2024 11:34 AM
To: Turner, Michael <mturner@ftc.gov>
Cc: Chen, Robert <rchen@ftc.gov>; Kendall, Sandra <skendall@ftc.gov>
Subject: Re: FTC v. Syngenta, 22-cv-00828 (M.D.N.C.): Subpoena to Atticus, LLC

Some people who received this message don't often get email from mdowd@dowdscheffel.com. [Learn why this is important](#)

Mike,

Following up on this, would the FTC agree to a fourteen-day extension for serving Atticus's responses and objections to the subpoena?

I have had a deposition dropped on me this week in an unrelated ITC matter, and the additional time would be much appreciated.

Best,
Matt

From: "Turner, Michael" <mturner@ftc.gov>
Date: Monday, April 29, 2024 at 2:32 PM
To: Matthew Dowd <mdowd@dowdscheffel.com>
Cc: "Chen, Robert" <rchen@ftc.gov>, "Kendall, Sandra" <skendall@ftc.gov>
Subject: FTC v. Syngenta, 22-cv-00828 (M.D.N.C.): Subpoena to Atticus, LLC

Matt,

Thank you for agreeing to accept service of Plaintiffs' subpoena to Atticus, LLC. The parties are working to finalize the Protective Order in this case and we will provide it as soon as it is filed.

Best,
Mike

Michael J. Turner | Attorney
Anticompetitive Practices Division
Bureau of Competition
Federal Trade Commission
400 7th Street SW
Washington, D.C. 20024
202-326-3649 | mturner@ftc.gov

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